

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JUSTIN WRIGHT, #1949550,

Plaintiff,

v.

DIRECTOR TDCJ-CID, et al.,

Defendants.

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Case No. 6:22-cv-46-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Justin Wright, a Texas Department of Criminal Justice inmate proceeding pro se, filed an initial civil rights lawsuit pursuant to 42 U.S.C. § 1983 docketed as case number 6:21-cv-280. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition. On February 4, 2022, the Court determined that new claims Plaintiff raised in a November 2021 filing were improper in the original suit and severed those claims into this case. Docket No. 1.

On February 14, 2022, Judge Mitchell ordered Plaintiff to file an amended complaint in this case concerning the new claims and to either pay the filing fee or file a properly supported *in forma pauperis* application, both within thirty days from receipt of the order. Docket No. 3. Plaintiff did not comply with either requirement. On April 14, 2022, the Magistrate Judge issued a Report recommending that this case be dismissed for failure to prosecute because Plaintiff had failed to satisfy the filing


fee requirement or to file an amended complaint as ordered. Docket No. 5. A copy of this Report was mailed to Plaintiff, who did not file written objections.

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 5) as the findings of this Court. It is therefore **ORDERED** that Plaintiff is **DENIED** leave to proceed without prepayment and this case is **DISMISSED** without prejudice for failure to prosecute and failure to comply with an order of the Court.

So **ORDERED** and **SIGNED** this **28th** day of **June, 2022**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE